

REMARKS

The application has been amended to distinguish the claimed invention over the cited prior art, and to place the application into *prima facie* condition for allowance. Care has been taken to avoid the introduction of any new subject matter into the application as a result of the foregoing amendments.

Claims 1, 3 and 5 have been rejected under 35 U.S.C. 103(a) as being unpatentable over German reference 29611382, in view of French reference 2762815. Applicant respectfully traverses the Examiner's substantive bases for rejection of the claims.

Applicant respectfully traverses the Examiner's combination of the cited references. However, even if the references were to be properly combined, which Applicant submits they cannot, the resulting structure fails to teach or suggest Applicant's invention of amended claim 1.

German utility model DE 296 11 382 U1 discloses a cargo space having fixing holes (6) within the cargo space floor which do not extend over a majority of the length of the cargo space. Indeed, there are only a number of individual, spaced apart fixing holes provided. This limits the number of different positions in which luggage could be fixed inside the cargo space, particularly inasmuch as the packing box, notably merely a carton bottom, with apparently a loose-fitting removable lid (not a piece of luggage), requires 2 parallel rows of fixing holes (not continuous rails) for mounting in the cargo area.

French patent application 2752815 discloses a seat adjuster for motor vehicles, as the Examiner has acknowledged, and not a cargo space mounting system, with feet which are inserted into gaps in two parallel rails, and are then expanded, to grasp by expanding friction, the inner surfaces of the rails.

Applicant's invention of amended claim 1, however, is directed to a device for the fixation of dimensionally stable suitcases in a cargo space of a motor vehicle, wherein, in a cargo space floor (3), receiving tracks (4) are provided, which are associated with securing means (5) for the suitcases (6), wherein corresponding securing elements

(10), which can be engaged with positive lock with the securing means (5) in the cargo space, are provided on the suitcases (6), and wherein actuation means (7, 8, 9) are provided for the manual separation of the securing means (5) and the securing elements (10) from each other, and arranged in the cargo space or on the suitcase, wherein the receiving tracks are integrally mounted within the cargo space floor, such that upper surfaces of the receiving tracks are of a level height with surrounding areas of the cargo space floor and are not elevated with respect to same, and further wherein the receiving tracks are elongated and extend continuously substantially the entire length of the cargo space, wherein the receiving tracks are arranged so that a plurality of suitcases (6) may be secured in the cargo space, each suitcase mounted along a single receiving track (4).

Thus, the invention of applicant's amended claim 1 is directed to a device for the mounting of suitcases in a cargo space of a vehicle, using a plurality of elongated receiving tracks, mounted within the cargo floor, and which are arranged so that a plurality of suitcases may be mounted on the receiving tracks, with each suitcase mounted along a single receiving track.

The German reference completely fails to teach or suggest the use of a single receiving track for each suitcase, as it discloses only a single packing box - not a piece of luggage - which requires two parallel sets of individual mounting holes (not elongated tracks), in order for the packing box to be secured. The French reference discloses a "seat adjuster for motor vehicles" - see the printout from the Delphion® patent database, which indicates the title of the reference - (not even a "packing box") that is mounted on rails which are not disclosed as being mounted within the floor of a cargo area. Furthermore, neither of these references even remotely teaches or suggests a device for the mounting of a plurality of suitcases in a cargo space of a vehicle, wherein the receiving tracks are arranged such that each suitcase can be mounted along a single receiving track, inasmuch as the German reference fails to disclose tracks of any kind, and the apparatus of the French reference (which is directed to a seat mounting) cannot teach the use of a single track, as seat mounts *require* the use of two parallel tracks for mounting.

As such, Applicant respectfully submits that Applicant's invention of amended claim 1 should be deemed to patentably distinguish over the combination of the cited German and French references, and that the Examiner's basis for rejection of claim 1 should be deemed overcome. Reconsideration and withdrawal of the rejection, and allowance of claim 1 are respectfully solicited.

Applicant further respectfully submits that claim 1, as amended patentably distinguishes over all of the cited art of record.

Inasmuch as dependent claims 3 and 5 merely serve to further define the subject matter of amended claim 1, which itself should be deemed allowable, withdrawal of the rejections of claims 3 and 5, and allowance thereof, are respectfully requested.

Applicant also submits for the Examiner's consideration, new independent claim 8, directed to the combination of a device for securing suitcases in a cargo space, with at least one suitcase, the suitcase being secured along a single receiving track and having at least two in-line securing elements actuated by a single actuating mechanism. Applicant submits that such a combination of structural elements as recited in new claim 8 is neither shown nor suggested in any of the cited prior art of record, whether taken alone or in combination, and therefore, claim 8 should be deemed patentable. Consideration and allowance of claim 8 are respectfully solicited.


Applicant submits that the application as a whole, including claims 1, 3, 5 and 8, is now in *prima facie* condition for allowance, and reconsideration and allowance of the application as a whole are respectfully solicited.

Should anything further be required, a telephone call to the undersigned at (312) 456-8400 is respectfully requested.

Respectfully submitted,

GREENBERG TRAURIG

Dated: March 17, 2004



Douglas B. Teaney
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 17, 2004.



Douglas B. Teaney